

10/577395  
AP20 Rec'd PCT/PTO 26 APR 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: LP-2016

Applicants : METTLER, Hanspeter, et al.

Serial No. : Unknown (371 of PCT/EP2004/011971)

Filed : April 26, 2006

Title : PROCESS FOR THE PREPARATION OF (S)- OR  
(R)-4-HALO-3-HYDROXYBUTYRATES

ART STATEMENT

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a copy of WO 02/40492 A (WO '492), that is discussed on page 2 of the application.

Enclosed is a copy of European Published Patent Application 0850945 A (EP '945), that is discussed on pages 2 and 4 of the application.

Enclosed is a copy of European Published Patent Application 0955303 A (EP '303), that is discussed on page 2 of the application.

Enclosed is a copy of WO 00/29370 (WO '370), that is discussed on page 5 of the application.

Enclosed is a copy of Ashworth, T.V., et al., S. Afr. J. Chem. 1987, 40, 183-188, that is discussed on pages 5 and 7 of the application.

Enclosed is a copy of Mashima, K.J., Org. Chem. 1994, 59, 3064-3076, that is discussed on pages 5 and 8 of the application.

A copy of the International Search Report for applicants' corresponding International patent application is enclosed.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.P./

Enclosed is a copy of European Published Patent Application 1176135 A (European '135). The International Search Report cited European '135 as being particularly relevant when combined with another reference in the same category (Category Y), cited Example 6 of European '153 as being relevant, and cited European '153 as being relevant to Claims 1 to 7 of applicant's corresponding International patent application.

Enclosed is a copy of U.S. Published Patent Application No. 2002035283, that the International Search Report stated corresponds to European '153.

Enclosed is a copy of WO 03/029259 A (WO '259). The International Search Report cited WO '259 as being particularly relevant when combined with another reference in the same category (Category Y), cited page 27, Table 1, entry 3, and page 28, Table 1, entry 4, of WO '259 as being relevant, and cited WO '259 as being relevant to Claims 1 to 7 of applicants' corresponding International patent application. WO '259 is discussed on pages 3 and 4 of the application.

Enclosed is a copy of U.S. Published Patent Application No. 2004260101 A, that the International Search Report corresponds to WO '259.

Enclosed is a copy of Pai, C.-C., et al., Tetrahedron Lett. 2002, 43, 2789-2792 (Pai et al.). The International Search Report cited Pai et al. as being background art (Category A), cited page 2791, Table 1, entry 4, of Pai et al. as being relevant, and cited Pai et al. as being relevant to Claim 1 of applicants' corresponding International patent application. Pai et al. is discussed on page 2 of the application.

Enclosed is a copy of European Published Patent Application 0339764 A (European '764). The International Search Report cited European '764 as being background art (Category A), cited all of European '764 as being relevant, and cited

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.P./<sup>2</sup>

101577385

AP20 Rec'd PCT PTO 26 APR 2006

European '764 as being relevant to Claim 1 of applicants' corresponding

International patent application.

Enclosed is a copy of U.S. Patent No. 4,895,979, that the International Search Report stated corresponds to European '764.

Enclosed is a copy of European Published Patent Application 0295109 A (European '109). The International Search Report cited European '109 as being background art (Category A), cited page 9, Example 9, Table 2, and page 10, Example 16, Table 2, of European '109 as being relevant, and cited European '109 as being relevant to Claim 1 of applicants' corresponding International patent application.

Enclosed is a copy of U.S. Patent No. 4,933,482, that the International Search Report stated corresponds to European '109.

The list of the above-mentioned references is enclosed.

Respectfully submitted,

Date

Fisher, Christen & Sabol  
1725 K Street, NW  
Suite 1108  
Washington, D.C. 20006  
Phone: 202-659-2000  
Fax: 202-659-2015  
E-mail: FCSabol@aol.com

*Virgil H. Marsh*  
\_\_\_\_\_  
Virgil Marsh  
Reg. No. 23,083

FORM PTO-1449  INFORMATION DISCLOSURE CITATION (modified)		Atty Docket: LP-2016		Serial No.: Unknown (371 of PCT/EP2004/011971)  <b>10/577385</b>		
		Applicant: METTLER, Hanspeter, et al.				
		Filing Date: April 27, 2006		Group:		
<b>U.S. PATENT DOCUMENTS</b>						
Examiner Initial	Document Number	Date	Name	Class	Sub-Class	Filing Date
/S.P./	2002035283					
	2004260101					
	4,895,979					
	4,933,482					
<b>FOREIGN PATENT DOCUMENTS</b>						
Examiner Initial	Document Number	Date	Country	Class	Sub-Class	Translation Yes * No
/S.P./	02/40492		WO			
	0850945		EP			
	09553030		EP			
	00/29370		WO			
	1176135 A		EP			
	03/029259		WO			
	0339764 A		EP			
	0295109 A		EP			
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)</b>						
/S.P./	Ashworth, T.V., et al., S. Afr. J. Chem. 1987, 40, 183-188					
	Mashima, K.J., Org. Chem. 1994, 59 3064-3076					
	Pai, C.-C., et al., Tetrahedron Lett. 2002, 43, 2789-2792					

Examiner: /Sarah Pihonak/	Date Considered: 12/29/2008
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	
<b>ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH.</b> /S.P./	